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- New Affordable Housing policies.
- Increased emphasis in Sustainable Development.

Overview of Pertinent Chapter Sections and Issues:

A. Section I. Urban Land Use (pp. 2-2 through 2-22): These policies govern the varied uses including housing, mixed use, commercial and industrial.

1. New text and policies supporting the framework policies on reducing greenhouse gas emissions (FW-102).

Found at page 2-2 is text that acknowledges that concentrating growth in the Urban Area will mitigate the impacts of climate change, a by-product of greenhouse gas emissions. This is further expanded at page 2-10, linking multi-modal communities, especially walkable communities that promote healthier residents, to reducing communities' carbon footprint.

New policy 111a, at page 2-5, addresses the County's commitment to use "cool design" to reduce "heat islands." Reducing the urban heat island effect can benefit air quality, lower air conditioning needs, and enhance human health and comfort.

U-111a King County will work with cities, the community, and developers to design communities and development projects that employ techniques that reduce heat absorption throughout the community and the region.

Cool design includes roofs that reflect heat, reducing solar radiation absorption and retaining less heat. Also on the horizon is the use of "cool pavement" to further reduce heat island effects. However the text regarding cool design and this policy may better be placed in the Sustainable Development, Section V of this Chapter.

While the Executive's proposed amendments to this Chapter address mitigation and adaptation relating to climate change, there are limited proposals that focus public health³ or equity. If the Council wishes to strengthen the health focus in this Chapter, as proposed in the Framework policies, staff are prepared to develop specific and reasonable options for amendments.

2. New Transfer of Development Rights("TDR") policies: U-124, U-124a and U-126.

The new TDR policies both in this Chapter and Chapter 3 (Rural Area and Natural Resource Lands) will be the subject of a separate briefing. As a bit of background and to prepare for the more in-depth briefing, there are four new TDR policies contained in

³ See U-429a, page 2-31, wherein the proposal is to integrate walkable communities into the design of affordable housing development and linking housing grant dollars to a affordable housing developer's use of the Healthscape findings in the development's design.

this Chapter: U-124, U-124a, U-126 and U-186 (which is discussed below). Found at pages 2-9 and 2-10:

U-124 ~~((King County supports increases in urban residential density through a rezone or a proposal to increase density through the density transfer or density incentive programs when the proposal will help resolve traffic, sewer, water, parks or open space deficiencies in the immediate neighborhood or will help promote physical activity by providing trail linkages and connections to services.))~~ Once a property is approved for upzone in accordance with U-122⁴ above, then the property owner shall purchase Transferable Development Rights (TDRs). for the additional market-rate units. TDRs shall not be required for affordable units or other public purposes and policy goals as appropriate.

U-124a Unincorporated urban lands that are proposed for increased density by means of a quasi-judicial rezone shall require TDRs for 100% of additional residential units that result from the increase in zoned capacity. TDRs shall be required for a portion of the additional market-rate units when the proposal will provide affordable housing, infill development in older urban areas, and when other public purposes or policy goals will be achieved.

The import of these policies is that to obtain an upzone, the developer will have to purchase TDRs, unless the increased density is for affordable housing or serves another public purpose.

U-126 Density incentives should encourage private developers to: provide innovative affordable housing, significant open space, trails and parks; use the Transfer of Development Rights Program; ~~((to))~~ locate development

⁴ This policy is has not been substantively changed:

- U-122 King County shall not approve proposed zoning changes to increase density within the Urban Area unless:
- The development will be compatible with the character and scale of the surrounding neighborhood;
 - Urban public facilities and services are adequate, consistent with adopted levels of service and meet GMA concurrency requirements, including King County transportation concurrency standards;
 - The proposed density change will not increase unmitigated adverse impacts on environmentally ~~((sensitive))~~ critical areas, either on site or in the vicinity of the proposed development;
 - The proposed density increase will be consistent with or contribute to achieving the goals and policies of this comprehensive plan, and subarea plan, if applicable; and
 - The proposal is consistent with the adopted city comprehensive plan for the Potential Annexation Area where the rezone is located if the proposed density exceeds eight dwelling units per acre. If the city is not planning for urban densities and efficient land use patterns consistent with the Countywide Planning Policies, then this paragraph shall not apply.

close to transit; ~~((tø))~~ participate in historic preservation; and ~~((tø))~~ include energy conservation measures exceeding state requirements.

The above policy encourages the use of TDRs.

3. **U-186⁵ Resurrection of the four to one program.**

U-186 Land added to the Urban Growth Area under this policy shall meet the density requirements, shall be physically contiguous to the existing Urban Growth Area unless there are limitations due to the presence of critical areas and shall be able to be served by sewers and other efficient urban services and facilities. Transfer of Development Rights shall be used to achieve no less than 50% of the allowed density on the land added to the Urban Growth Area. In some cases, lands must meet affordable housing requirements under this program. The total area added to the Urban Growth Area as a result of this policy shall not exceed 4,000 acres.

This policy effectively sunsetted in December 2006. See KCC 20.18.170A. The program is resurrected by this policy and corresponding change in Proposed Ordinance 2008-0124.⁶

The program was designed to encourage dedication of open space in exchange for adding land to the UGA. The program worked as follows: a rural landowner could, in exchange for dedicating four acres of rural land as permanent open space, get one acre of land added to the UGA. Set out in the Code are the specifics for the program's application. After an initial flurry of proposals, the proposals dwindled and then the program ended in 2006.

In resurrecting the program, the Executive has proposed two major changes: (1) that the land added to the UGA, and therefore to be developed, no longer has to be physically contiguous to the existing UGA because of the presence of critical areas; and (2) that at least half of the increased density⁷ from the rural zoning to the urban zoning has to be purchased by using TDR.

The TDR component of this policy will be further analyzed at the briefing scheduled for May 20. However, the first change causes concern that it could have the unintended consequence of creating urban islands surrounded by open space. To alleviate this concern the executive staff are working with central staff to redraft this policy to prevent this unintended consequence.

⁵ page 2-22.

⁶ Found in Section 4, p. 14 of the proposed ordinance in the Council member's binder, the sunset date is now December 2010. The Council may wish to increase the life of this policy to December 2011 to allow for any extension in the 2012 Comprehensive Plan Update, without a two year gap occurring.

⁷ Assuming the zoning on the land as rural was RA-5 or one dwelling per five acres, once designated urban, the minimum zoning would be R-4 (four dwellings per acre) resulting in an increase of 19 dwellings on a five acres.

4. Encouraging locating mixed use residential near transit: U-157, U-162

- U-157 Community business centers in the urban areas should provide primarily shopping and personal services for nearby residents. Offices and multifamily housing are also encouraged. Industrial and heavy commercial uses should be excluded. Community business centers should include the following mix of uses:
- a. Retail stores and services;
 - b. Professional offices;
 - c. Community and human services; and
 - d. Multifamily housing as part of a mixed-use development, with residential densities of at least 12 ~~((to 48))~~ units per acre when well~~((--))~~served by transit.
- U-162 Neighborhood business centers in urban areas should include primarily retail stores and offices designed to provide convenient shopping and other services for nearby residents. Industrial and heavy commercial uses should be excluded. Neighborhood business centers should include the following mix of uses:
- a. Retail stores and services;
 - b. Professional offices; and
 - c. Multifamily housing as part of a mixed-use development with residential densities up to 12 units per acre when convenient to a minor arterial. Higher densities ~~((of 12 to 18 units per acre))~~ are appropriate when the center is ~~((convenient to a principal arterial))~~ well served by transit.

Issue:

While it appears that the intent is to encourage increased density development near transit in neighborhood business and community business centers, central staff intends to work with executive staff to further clarify the link to density bonuses both in the policies and the Code (Proposed Ordinance 2008-0128, §64, p. 226).

B. Section II. Potential Annexation Areas (“PAAs”) (pp. 2-23 through 2-25): These policies govern the County’s acts of facilitating the ultimate annexation of those remaining pockets of unincorporated King County within the UGA. While this section has not been updated, it is important to note that after a slow start, several areas have moved toward being added to cities’ PAA and ultimately to annexations. Just this past year, West Hill and Lea Hill were annexed by Auburn. Kirkland is in the process of evaluating moving forward on annexing the Finn Hill, Upper Juanita, and Kingsgate neighborhoods.

Over the past several years, with the passage of the Annexation Initiative, the County has focused on negotiating several large tracts into PAAs and has been relatively successful on that front. The Executive is now focusing on the areas around Maple

Valley. However, there continue to be, and for a protracted time, will remain pockets of urban, unincorporated lands. It is uncertain if the County, working with the cities will meet the County-wide Planning Policies' ("CPPs") vision of all Urban Areas being within incorporated cities by 2012. Executive staff have indicated that proposed for the Growth Management Policy Committee⁸ 2009 work plan is a comprehensive review of the CPPs and that the annexation policies will be addressed.

Issue:

What if any actions or policies should the County now be considering to meet the 2012 goal, especially in regard to those smaller pockets of urban areas that do not appear to be attractive to surrounding cities?

C. Section IV.⁹ Housing (pp. 2-27 through 2-36)

1. **Housing Choice** (p. 2-27 through 2-30): These policies speak to the importance of a range of housing choices (that is style, single family vs. multi-family – and range of cost) for residents and future residents of King County. These policies reinforce the Code provisions and goals for King County to encourage and support a range of housing at varying affordability levels.

U-402 Through subarea and regional planning with cities, incentives programs and funding initiatives, King County shall plan for housing to meet the needs of all economic segments of the population throughout the Urban Growth Area and within Rural Towns. King County shall plan for construction or preservation of housing units affordable to households as follows:

- 16% of housing stock should be affordable to households below 30% of the King County median income;
- ((24%)) 8% of housing stock should be affordable to households ~~((below))~~ between 30% and 50% of the King County median income;
- 17% of housing stock should be affordable to households between 50% and 80% of the King County median income;
- 20% of housing stock should be affordable to households between 80% and 120% of the King County median income; and
- 39% of housing stock should be affordable to households above 120% of the King County median income.

U-402a King County should promote the preservation and development of affordable rental housing opportunities for households earning up to 90% of the King County median income by providing a range of incentives to private sector developers as well as incentives and subsidies to non-profit developers.

⁸ The entity made up of elected officials from the various jurisdictions within and including the County charged with creating and updating the CPPs.

⁹ Section III Economic Development has moved to its own chapter, Chapter 9.

U-402b King County should promote the preservation and development of affordable ownership housing opportunities for households earning up to 115% of the King County median income by providing a range of incentives to private sector developers as well as incentives and subsidies to non-profit developers.

Issue:

The policies (above) are proposed to be amended or added to provide more specificity regarding King County's goals for housing at a range of affordability. These changes are made in part to comply or incorporate the goals as stated in King County Consortium Consolidated Housing and Community Development Plan for 2005-2009 and to comply with the CPPs which call for each comprehensive plan establishing specific goals.

Policy U-405a is an addition – that is intended to support the expansion of opportunities to build detached accessory dwelling units by reducing the minimum lot size requirement in the urban area. ***Similar changes are being contemplated for rural development that would tie accessory dwelling development to the capability of on-site septic systems to handle additional residents.***

U-405a King County shall promote development of attached accessory dwelling units in all urban residential zones. King County shall allow detached accessory dwelling units in all urban residential zones on lots greater than 5,000 square feet in size subject to compliance with supplemental parking, safety and setback requirements that may be required of the detached accessory unit.

Code Changes: Policy U-405 drives a change in KCC 21A , Proposed Ordinance 2008-0128, Section 19, page 40¹⁰ – to allow a detached accessory dwelling unit on lots of at least 5,000 square feet. Other changes to development regulations regarding accessory dwelling units will be reviewed with regard to the use of development rights.

2. Employer-assisted Housing

There is also a new policy regarding employer-assisted housing.

U-418a King County should work with local employers to develop affordable employer-assisted housing opportunities located within walking distance of the employment site.

Issue:

Staff have already discussed with Executive staff potentially amending this policy to reflect some other standard for the proximity of the employer assisted housing – other

¹⁰ Copies of the proposed ordinances are found in the Committee members' binders.

than “walking distance” – which seems quite restrictive. It might be more appropriate to reference “within commuting distance by alternative modes of transportation” or something similar – indicating the goal is to be proximate – so that walking, biking and/or mass transit is available for the employee to travel between work and the housing.

3. **Affordable Housing Development** (p. 2-30 and 31):

The policies in this section address the need to coordinate planning and funding activities with regard to the provision of housing for low-, moderate- and middle-income households in King County. The assumption is housing serving “high” income households takes care of itself. The issue at hand is that the supply of affordable housing serving households up to 115% of the median income (\$89,600 for a household of 4) has not kept up with the increasing demand in the Puget Sound region due to the soaring costs associated with new housing construction.

Low-income housing (serving households earning up to 50 or 60% of the median income) nearly always requires subsidies – although there are some existing privately owned units (but very few) in this range. Policies emphasize the need for subsidies and the priorities for subsidies.

Housing for moderate-income households (earning 60-80% of the median) is generally provided by the private rental market (both existing and new units). However, redevelopment pressures, conversion to condos and high construction costs for new construction has increasingly squeezed this market. The policies emphasize the need to “support” the private market in preserving and producing these housing units. And, although ownership housing in this bracket is almost non-existent (except as subsidized housing or in some manufactured housing communities) – there are a few policies in this section addressing efforts to preserve or produce ownership housing for moderate-income households.

Finally, housing for middle-income households (earning 80 – 115%) is considered by the state to be over the threshold where public subsidies can be used to support the preservation or construction of units. The Comprehensive Plan promotes other ways King County can support the preservation and construction of these units through the land use code, density bonuses, and other regulatory measures.

Three new policies in this section address code changes that should make it “easier” to build affordable housing. The first, U-422a – provides density bonuses for “small” homes (as yet, undefined in Code). The second, U-422 calls for “expedited building permit review.” Time is (most definitely) money in the construction business. It benefits all housing developers to have expeditious permit review to reduce the amount of time the builder is paying land costs, etc. in preparation for building and bringing units on line that can produce income. Finally, Policy U-422c calls for reduced parking standards. Most “affordable units” have less need for parking as residents are typically taking

advantage of mass transit or other options for commutes. The builder should determine the needed parking based on the demographics of the expected residents.

U-422a King County should provide density bonuses in all urban residential zones for the construction of small detached single-family homes limited in size by covenant, and for new manufactured housing units.

U-422b King County should provide expedited building permit review for all affordable housing projects that utilize affordable housing incentive programs, subsidies, tax abatement or tax credits.

U-422c King County should provide reduction in parking requirements for affordable housing projects that utilize affordable housing incentive programs, subsidies, tax abatement or tax credits.

Code Changes: All of the policies above recommend King County “should” pursue regulatory changes and changes in review time. However, no Code changes have been proposed at this time.

4. Use of surplus County property

King County has had existing policy¹¹ and Code provisions for prioritizing the use of County surplus property for affordable housing. The following amended policy proposes that these properties shall be “targeted” for housing development consistent with the Consolidated Plan and 10-Year Plan to End Homelessness.

U-426 King County should expand its use of surplus county-owned property and air-rights over county-owned property for affordable housing and should explore its use for other public benefits, such as human services, and consider conveyance of properties to public or nonprofit housing developers and agencies at below-market cost. ((In communities where the home ownership rate is lower than the county average, surplus county property shall be targeted for housing development that would expand the stock of owner-occupied, low- or moderate-income housing.)) Surplus county property shall be targeted for housing development that will be consistent with the King County Consortium Consolidated Plan and the 10 Year Plan to End Homelessness.

¹¹ Found at page 2-29:

U-418 King County ((should)) shall participate in ((developing and)) the 10 Year Plan to End Homelessness to sustain((ing)) and support a coordinated, regional response to homelessness that includes access to homelessness prevention services, emergency shelter, transitional housing, permanent affordable housing, and appropriate support services for homeless families, single adults, and youth.

Issue:

A better choice of words might be these properties will be “prioritized” for development that is consistent with other County affordable housing plans.

5. Linking affordable housing development to linked to health_ (p. 2-31)

Policy U-429a is new – and aligns with the framework policies regarding sustainable and “healthy” development patterns.

U-429a King County should integrate strategies that promote the goals of sustainable development and walkable neighborhoods in affordable housing development. King County should utilize the findings of the King County Climate Plan, the King County Healthscape Initiative and the King County Green Building Program to guide allocation of subsidies to non-profit developers and housing agencies.

Issue:

Although it is not clear what the intent of the policy is. It implies that projects that apply for public subsidies may be prioritized or awarded points based on their compliance with these goals (promoted by the Executive). In meetings with executive staff, changes to this policy to more clearly reflect the intent were expressed and revisions discussed.

6. Access to Affordable Housing (p. 2-33 through 2-34)

This section of policies speaks to siting of affordable housing so that it is available throughout the King County and integrated into communities. There are a few policies that literally address the physical configuration of housing to allow all types of people to use it – and need for subsidized housing in particular to be accessible to people with disabilities. Policy U-445 a is new and uses the now more accepted term of “universal design” – a design concept that strives for accessibility for all users, regardless of age or abilities. This policy also addresses to the goal of “sustainable communities” set forth in proposed FW 101.

U-445a King County should promote the incorporation of universal design and environmentally sustainable development concepts into any affordable housing development that receives incentives or subsidies from King County.

Issue:

Because “universal design” is a term-of-art as used in this context, a brief description would be appropriate.

7. **New Housing Models** (p. 2-35)

The only one substantive change to new housing models is U-453a, which provides:

U-453a Within the Urban Growth Area, King County shall promote the development and expansion of land trusts that provide affordable ownership opportunities.

Land trusts, which basically underwrite or subsidize the land costs of housing development – thereby reducing the cost of ownership housing – are a proven method increasing the stock of affordable ownership housing opportunities. Existing policy U-453 acknowledged land trusts as a strategy (among others). This new policy amplifies King County's commitment to "promoting" land trusts.

D. Section V. Human Services (pp. 2-37 through 2-40). In this section, except for the introductory paragraphs, the Executive is proposing to delete existing narrative text and policies and replace them with the 2007 Council adopted Framework Policies for Human Services. These Framework Policies for Human Services guide the provision and coordination of human services throughout King County government. There are no issues with the policies themselves. However, this is another example of using identical policies adopted in other planning documents and including them in the Comprehensive Plan. As already discussed at an earlier briefing this approach has both its benefits and drawbacks.¹²

The introductory paragraphs on human services (p. 2-37) have not been amended since the 2004 version of the Comprehensive Plan. There have been two significant changes in funding of human services that may be worth highlighting in the year's update. The first item is the Veterans and Human Services Levy, which was passed by King County voters in 2005. This funding stream brings in \$13.5 million annually six years, supporting programs for veterans, military personnel, their families and others in most need across King County. The second item is the one tenth of one percent sales tax authorized by the King County Council in November, 2007. This revenue stream will provide an estimated \$48 million annually for new and expanded mental health and substance abuse services, as well as therapeutic courts in King County.¹³ Collections for this revenue stream are set to begin on April 1, 2008 and expire on January 1, 2017. These two sources strengthen the challenged human services funding, but are time limited and require reauthorization. Including information regarding these changes in the introduction would provide the reader with a better understanding of the limited resources available.

¹² Sets the included human services policies for four years, as a modification to these policies could only occur on the four-year cycle. The drawback is no modification to these policies could occur for four years and should the Framework Policies for Human Services change, there is a conflict. If the Committee considers more of an incorporation approach, central staff develop options to ensure cross-referencing fulfills the Committee's intent.

¹³ Housing was added to the tax-funded activities by the Washington State Legislature in late March, 2008.

Issue:

While the policies themselves do not raise any concerns, their location in the Urban Communities Chapter creates a misapprehension that human services are only a urban concern.

The County has a role both regionally and as the local provider of services to all of unincorporated King County. For example in the proposed new policy **U-501**, found at page 2-39, the County's regional role is recognized:

King County has a regional role in human services, working with many partners to help those most in need.

Additionally, in the existing introductory paragraph at Section I "Regional Services," to Chapter 8 "Services, Facilities and Utilities," the County's human services role for all of unincorporated King County is affirmed:

King County government is a regional and local service provider. Types of regional services provided include transit, wastewater treatment, and solid waste management. **Local services provided to citizens of unincorporated urban King County and the ((r))Rural ((a))Area((s)) include police, building permits, and health and human services.**

To reinforce the point that human service policies do not only affect the urban communities, central staff discussed with executive staff of moving this section out of Chapter 2 and developing a new section in Chapter 8. This move of text would set the tone that as the local provider of human services, King County serves all of unincorporated King County.

E. Section VI. Sustainable Development (pp. 2-41 through 2-42)

Most of the changes in this Section strengthen the County's commitment to building green and reducing the impact of development on the land.

1. Sustainable Development Policies pp. 2-41 through 2-42.

U-601 King County ~~((should))~~ shall incorporate sustainable development principles and practices into the design, construction and operation of county facilities and county-funded projects ~~((when economically feasible))~~.

~~((U-602 — The use of green building practices should be accomplished within traditional project budgets. If additional funds are sought for up-front costs, a life cycle cost analysis of the project should be completed to determine the long-term benefits of using green building practices.))~~

- U-604 King County (~~should~~) shall leverage its purchasing power related to capital improvement projects to help expand the markets for green building products, including recycled-content materials and clean, renewable energy technologies.

Issue:

By replacing the “should” with shall in these policies, these policies move from “noncompulsory guidance” to a mandatory imperative.¹⁴ These policies support FW - 102, the proposed framework policy by which the County will achieve greenhouse gas reduction in its operations. See page Introduction-5. By removing the budgetary considerations in U-601 and the deletion of the entire U-602 policy reinforces that building sustainably will not have a budgetary consideration. The Committee may want to contemplate specific performance measures regarding the implementation of these policies to track the costs against the greenhouse gas reductions they are intended to provide.

- U- 605 King County (~~should~~) shall encourage, support and promote the application of sustainable development practices in all private sector development within the county. This may be accomplished through working with residential and commercial developers to (~~incorporate habitat conditions,~~) reduce impervious surface areas, protect ground and surface water within a watershed, assure that habitat protection needs are incorporated into development proposals to the extent possible, incorporate greater use of green building materials and utilize systems that conserve or reuse resources, including those that use energy more efficiently. King County shall provide technical assistance and incentives for the use of sustainable development practices for private sector development, and shall collaborate with the private sector on potential future regulatory tools.
- U-606 King County (~~should~~) shall identify and evaluate potential changes to land use development regulations and building codes to support and promote green building and low impact development. (~~(This may be accomplished through demonstration projects to guide the application and refinement of regulations such as zoning, and road and stormwater regulations.)~~)

Issue:

These policies pertain to how the County will work with developers to encourage sustainable development in the private sector. Again, in both of these policies, the change to “shall” make the policies’ directives mandatory.

¹⁴ See glossary for definition of terms, pp. G-20 and G-19 respectively.

2. Low Impact Development Policies, p. 2-42

- U-607 King County (~~((should))~~) shall incorporate (~~((low-impact))~~) low impact development principles and practices into the design, construction and operation of all county facilities and county-funded projects to the fullest extent feasible.
- U-608 King County (~~((should))~~) shall work with residential and commercial developers to incorporate (~~((low-impact))~~) low impact development practices that protect native vegetation and soils, facilitate reuse of resources, such as reclaimed water, reduce the carbon footprint of the project, and reduce impervious surface. King County shall provide technical assistance and incentives for the use of low impact development practices for private sector developments.
- U-609 King County (~~((should))~~) shall identify and evaluate potential changes to land use development regulations and building codes to support and promote (~~((low-impact))~~) low impact development. (~~((This may be accomplished through demonstration projects to guide application and refinement of regulations such as zoning, subdivision, roads and stormwater regulations~~

The amendments to U607 through 609 strengthen the County's commitment to low impact development ("LID"). To be the leader in promoting LID, the Executive is proposing to make what were previously noncompulsory guidance policies to mandatory policies. At policy U-609 the County is committing to review its development codes to encourage LID. Even though there is no time period within which this review must occur, by being using the word "shall" the policy becomes, by definition imperative.

Review by central staff suggests that there may be other opportunities as regards low impact development and staff can to develop specific and reasonable options for amendments.

ATTACHMENTS:

1. Attachment A to Ordinance 15887 (adopted Human Services Framework Policies)